

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL ACTION**  
: :  
v. : **NO. 08-0506**  
: **(12-cv-2467)**  
**PATRICIA HERNANDEZ** :

**ORDER**

**AND NOW**, this 28th day of August, 2012, upon careful consideration of the defendant's motion to vacate, set aside, or correct her conviction and sentence filed pursuant to 28 U.S.C. § 2255 (Document #51), and the government's motion to dismiss filed in response to the defendant's motion (Document #54), **IT IS HEREBY ORDERED** that:

1. The defendant's motion is DENIED in its entirety without a hearing.
2. The government's motion to dismiss is GRANTED.
3. As the defendant has failed to make a substantial showing of a denial of any constitutional right, there is no basis for the issuance of a certificate of appealability.
4. The Clerk of Court is directed to mark this case CLOSED.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.